

REMARKS

In light of the above amendatory matter and remarks to follow, reconsideration and allowance of this application are respectfully solicited.

Status of the Claims

All of the claims previously presented are canceled and new claims 86-170 are presented for further consideration. Claims 86-145 are identical to original patent claims 1-60. Claims 146-170 are identical to original reissue claims 61-85. Accordingly, notwithstanding the numbering of the claims presented herein, original patent claims 1-60 and reissue claims 61-85 are re-presented.

Objection to the Reissue Declaration

The reissue declaration filed October 16, 2001 was objected to as allegedly failing to identify at least one error for which this reissue application was filed to correct. Accompanying this paper is a proposed reissue declaration for the Examiner's consideration. Applicants will file a fully executed declaration should the accompanying declaration be acceptable.

Rejection of the Claims

Previously presented claims 1, 2, 19-26, 34-35 and 46-53 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Publication WO92/16944 (Platte) in view of U.S. Patent No. 4,044,380 (Justice). For the purpose of the present discussion, it is assumed the combination of Platte and Justice would be applied to the claims presented herein for the same reasons set out in the Office Action under reply. The Examiner described what he understood to be the teachings of Platte, as explained in the previous Office Action dated July 8, 2009.

Platte is a published international application published in German. Accompanying this amendment is a copy of the English translation of European published application 0 576 458,

corresponding to the German-language disclosure of WO92/16944. The following discussion is based upon this English translation.

Platte records subcodes on the same tape cassette on which video signals are recorded. The subcodes "ensure that copying restrictions, e.g. by way of copyright, are observed and to avoid unauthorized copying processes" (paragraph bridging pages 1 and 2 of the English translation). The subcodes include a source identifier SI to identify whether the cassette has been recorded by the owner, whether the cassette originates from a copying plant and whether the cassette has been recorded off the air (see the top three subparagraphs at page 2 of the English translation). According to Platte, these subcodes provide "a high degree of flexibility in logically distinguishing different cases on the basis of the source information for controlling the functioning of the equipment and for ensuring, if necessary, that copying is prevented."

However, Platte's subcodes differ significantly from the "plural-bit mode number and associated plural-bit data or data flags" recited by Applicants' claims.

Contrary to the assertion set out in the Office Action dated July 8, 2009,¹ Platte does not disclose "a plural-bit mode number and associated plural-bit data or data flags." Platte's subcode contains source identifier SI to identify the source of the input video signal, as mentioned above, but SI is not a "plural-bit mode number." Rather, from Platte's Figures 1-3, it appears that Platte's subcode is a 3-segment code in which the first segment is the source identifier, the second segment is a copy count that "is increased by '1' during each copying process," and the third segment is a single bit whose value represents "yes" or "no" for copy protection.

There is no "plural-bit mode number" to classify Platte's subcode or any segment in that subcode. Platte's disclosure is limited strictly to copy protection. Consequently, since Platte's

¹ The stated rejection in the Office Action under reply is "for the same reasons as set forth in Section 6 of the last office action, dated 7/8/09."

subcode contains only copy protection data, there is no need for Platte to provide, for example, a preamble to selectively classify plural bits "such that predetermined bits of said associated plural-bit data or data flags represent different information as a function of the classification by said plural-bit mode number." At best, Platte describes plural bits limited solely to copy protection information.

Another difference between the "copy generation data" recited by Applicants' claims and the subcode described by Platte is that Applicants' copy generation data indicates "the number of successive generations of copies that can be made from the processed video signal," whereas Platte's copy counter CC indicates the number of copies that have already been made. Consequently, Platte's copy counter does not provide any indication of the number of permitted copies of the video signal that remain. An indication of the number of copies that have already been made, which is the function of Platte's copy counter, as opposed to the number of permitted copies that remain, which is recited in Applicants' claims, is, without more, minimally useful for copy control.

Justice was relied upon for describing the insertion of codes into the vertical blanking interval of a television signal. Notably, Justice fails to cure the aforementioned deficiencies of Platte. Accordingly, even when the disclosure of Justice is added to that of Platte, the resultant combination still is not suggestive of Applicants' claimed plural-bit mode number and associated plural-bit data or data flags.

Since claims 86-145 recite the aforementioned features, it is respectfully submitted all of the claims presented herein are patentably distinct over the combination of Platte and Justice. Furthermore, some of claims 146-170 recite, *inter alia*, the plural-bit mode number and associated plural-bit data or data flags that represent different information as a function of the

classification represented by the plural-bit mode number, as discussed above, and generating copy generation data indicative of whether or not at least one successive generation of copies can be made. These features are not found in the combination of Platte and Justice.

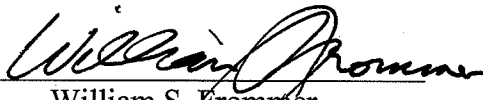
Therefore, it is respectfully submitted, claims 86-170 are patentably distinct over Platte in combination with Justice.

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portion or portions of the reference or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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